8762803/2024/H-MAU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MA&UD Dept. – APHC – Common Orders of Hon'ble APHC in W.P.No.17021/2022 and batch dated 19.03.2024 – Constitution of Committee – Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (H) DEPARTMENT

G.O.Rt.No.373 **Dated: 11.04.2024**

Read the following:-

1. Writ Petition No.17021/2022 and batch cases filed by Sri Kollipara Sridevi W/o KDV Prasad.
2. Govt. Memo No.5930037/Vig.III/2022, dated 03.06.2022.
3. Affidavit filed by the Govt. dated 20.07.2022.
4. Addl. Affidavit filed by the Govt. dated 10/2022.
5. Common Orders of Hon'ile High Court of AP in WP Nos.17021/2022 and batch dated 19.03.2024.
6. Govt. Memo No.1768902/H1/2024, dated 22.03.2024.
7. Govt. D.O.Letter No.1669726/2022/Vig.II/A1, dated 26.03.2024.
8. From the Director General of ACB, AP Vijayawada Lr.Rc.No.25/RCO-EWG/2023, dated 04.04.2024.
9. From the Director of Town and Country Planning, AP, Mangalagiri Lr.Roc.No.19022 (32)/9/2022-RJDR, dated 04.04.2024.

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ORDER :-

It has been brought to the notice of Government that the Municipal Commissioner and Staff of Tanuku Municipality have issued TDR Bonds without following the procedure prescribed in GO Ms No.180, MA&UD Dept., dt. 01.10.2020 and the matter is entrusted to the Director General of ACB, AP to conduct regular enquiry/investigation and to furnish detailed report vide reference 2nd read above.

2. In the meantime, the Developers/applicants who have purchased the disputed TDRs of Tanuku Municipality and obtained Building Permissions by availing said TDRs, have approached the Hon'ble High Court of Andhra Pradesh and filed Writ Petitions vide WP No 17021 of 2022 and Batch against the impugning action in screening off the building permissions without issuing any notice or there being any order.

3. Hon'ble High Court of AP in the reference 5th read above while disposing of the WPs have ordered that:

> "In view of the discussion supra, the Writ petitions are disposed of, keeping in view the stand point of petitioners, being subsequent purchasers and stalling of their projects for nearly two years, directing the 1st respondent, as per the oral undertaking of learned Advocate General, to complete the enquiry by issuing notices to both the awardees of TDRs and petitioners relating to TDRs in Tanuku

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Municipality (29 numbers), within a period of two months from today by adhering to the procedure. Since more than two years elapsed from the date of initiation of action by respondent the State, this court makes it clear that no further time will be granted or extended regarding enquiry proposed by learned Advocate General being undertaken at the Government level. In fact, a copy of the enquiry report is made available to the Counsels for the petitioners. It is not out of place to mention here that the awardees of TDRs and subsequent purchasers shall co-operate with the enquiry for expeditious completion".

4. In the reference 7th read above, the Director General, ACB, Vijayawada was requested to complete the enquiry and submit final report to the Government in the matter within 8 weeks so as to take further action, as ordered by the Hon'ble High Court in its common orders dt.19.03.2024 and to avoid further legal complications in the matter.

5. The DG, ACB vide reference 8th read above, have informed that "Enquiry referred by the Hon'ble High Court, as disclosed from the order relates to the enquiry to be conducted at the Government level by issuing notices to both the awardees of TDRs and Petitioners relating to TDRs in Tanuku Municipality (29 members) and within two months adhering to the procedure. Hence the enquiry is not directed towards ACB. The investigation in this case is under progress. The investigation is meant for detecting the criminal misconduct committed by the public servants colluding with the private individuals in which they are liable for punishment under the provisions of PC Act & IPC after due trial. Hence, the enquiry as ordered by the Hon'ble High Court is different from the investigation which is under progress with ACB. Investigation of this case will take some more time as good number of witnesses are to be examined, proper documents are to be collected etc., for establishing the case beyond reasonable doubt. He has therefore clarified that as per the orders of the Hon'ble High Court of AP, the enquiry has to be conducted by the 1st respondent in the batch Writ Petitions."

6. The DT&CP, AP vide reference 9th read above has stated that the Hon'ble High Court of AP has directed the 1st respondent (i.e., Government) to complete the enquiry by issuing notices to the both the awardees of the TDRs and petitioners relating to the TDRs in Tanuku Municipality (29 numbers), within a period of two months from the date of order i.e, 19-3-2024 by adhering to the procedure. While enclosing the statements relating to the TDRs issued to the original 29 land owners, TDRs utilised in Building applications of the petitioners, Applicant details of TDRs utilised in Building applications (but not approached the Hon'ble High Court) and List of applicants initially utilized Tanuku TDR Bonds and subsequently opted / replaced with for other valid TDR Bonds to complete the procedure, the DT&CP, AP has requested the Government to take further action in the matter to comply the directions of Hon'ble High Court of AP within the stipulated time.

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7. Government after careful examination of the matter hereby decided to conduct the enquiry by issuing notices to both the awardees of TDRs and petitioners relating to TDRs in Tanuku Municipality (29 numbers) as per the directions of Hon'ble High Court of AP.

8. Accordingly, a Committee consisting of the following officers is hereby constituted to conduct the enquiry by issuing notices to both the awardees of TDRs and the petitioners relating to TDRs in Tanuku Municipality (29 Numbers) by adhering to the procedure as directed by the Hon'ble High Court of AP and to submit the report by 16th May, 2024 so as to adhere to the timelines issued by the Hon'ble High Court.

Sn	Name & Designation	
1	Sri P. Swapnil Dinkar, I.A.S, Commissioner, Vijayawada Municipal Corporation.	Chairman
2	Sri. B. Srinivasulu, Additional Director & DTCP(FAC)	Member Convenor
3	Sri. A. Prabhakar Rao, Additional Director O/o DTCP	Member
4	Sri. M. Venkata Subbaiah, OSD, MA&UD Department	Member

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH

Y.SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri P. Swapnil Dinkar, I.A.S, Commissioner, Vijayawada Municipal Corporation & Chairman of the Committee.
Sri B. Srinivasulu, Additional Director & DTCP(FAC) & Member Convenor of the Committee.
Sri A. Prabhakar Rao, Additional Director O/o DTCP (through DTCP, AP, Mangalagiri) & Member of the Committee.
Sri. M. Venkata Subbaiah, OSD, MA&UD Department & Member of the Committee.

Copy to :-
The Director General of ACB, AP, Vijayawada.
The Learned Advocate General, A.P., High Court Buildings, Nelapadu,Amaravathi.
PS to Special Chief Secretary, MA&UD Department.
Sf/Sc.

// FORWARDED :: BY ORDER //

P.v.s.Rangam
SECTION OFFICER